

June 19, 2014

Kurt Berchtold, Executive Officer
Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, California 92501

Re: North Orange County MS4 Permit

Dear Mr. Berchtold:

The Orange County Business Council (OCBC) represents nearly 300 of Southern California's largest businesses that employ over 250,000 men and women in our region and more than two million employees globally. OCBC's mission is to enhance the region's economic prosperity while maintaining a high quality of life. OCBC focuses on four initiatives: improving infrastructure, enhancing workforce development, increasing the supply of workforce housing and maintaining a robust economic climate.

We are aware it is currently the comment period for the North Orange County MS4 Permit (Permit). As such, we have the following questions for the benefit of those who are trying to understand the Permit.

A. GENERAL PLAN MANDATES TO CITIES. Section XII.A of the Permit requires the cities to create and report on specific "measurable and verifiable" items in their General and Specific Plans including specific treatment controls and design features. As you know, the General Plan is an expression of the community's development goals and objectives in a broad context. It seems highly irregular, and inappropriate, to require precise regulatory requirements in the General Plan which applies to all actions a City may take. Has staff reviewed the likely impacts this would cause to cities from a legal and planning perspective? Given the level of specificity required in all other municipal activities, including the approval of Water Quality Management Plans, the General and Specific Plan requirements seem unnecessary.

B. URBAN RUNOFF FUNDS AND CREDITS. Section XII.E.2 and XII.E.4 of the 2009 MS4 Permit (Order R8-2009-0030) provides allowances for Permittees to create urban runoff funds and water quality credit systems to increase the feasibility of regional treatment programs without detracting from the region's overall runoff water

quality. Is there a specific reason why the Board eliminated this provision in the draft Permit? In 2011, OCBC wrote to the Board supporting the creation a comprehensive Model Water Quality Management Plan and Technical Guidance Document. This program, now in effect, cost our taxpayers millions of dollars. We are concerned that many of the proposed changes to the Permit impede the progress the cities and County are achieving under the existing program, and that they may decrease, not increase, the effective deployment of financial resources away from achieving water quality results.

C. ECONOMIC ANALYSIS. The Permit's Draft Technical Report notes that while economic considerations were taken into account when authoring the Permit, that it is "not necessary for the Regional Board to perform a Cost-Benefit analysis or other formal economic analyses." We feel the cost of Permit implementation closely informs the feasibility of the Permit requirements and would be interested in further information as to why the Regional Board feels a more detailed economic analysis is not necessary.

OCBC remains committed to investing in water quality as a top priority in the County of Orange and we urge you and the Board to ***be focused on ensuring the use of public resources effectively achieves our shared goal of improving water quality.*** Thank you for your willingness to address our questions.

Sincerely,



Bryan Starr
Senior Vice President Government Affairs

CC: ADAM.FISCHER@WATERBOARDS.CA.GOV